

REMARKS

Claims 1-44 are pending in the application. Applicant proposes to amend claims 1, 2, 5, 17, 29, 31, 33, 35, 36, 40, and 44. No new matter has been added. Applicant respectfully requests reconsideration and allowance of the pending claims.

In the Office Action, the Examiner objected to the drawings under 37 C.F.R. § 1.83(a). The Examiner asserted that the drawings must show recitations relating to the loading funnel receiving a stent. As indicated in the attached Replacement Sheet, Applicant proposes to amend Figure 2 to show a stent 90 being loaded into funnel 42 and onto the delivery system. Applicant also proposes minor corresponding amendments to the specification. No new matter is added by these amendments, as the originally-filed specification fully discloses loading a stent into a funnel and onto a delivery system.

In the Office Action, the Examiner rejected claims 1-4, 7, 9-11, 13, 15, 16, 29, 30, 32, 33, and 44 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,702,418 to Ravenscroft (hereinafter "Ravenscroft"); claims 5, 6, 17-21, 23, 24, and 28 under 35 U.S.C. § 103(a) as being unpatentable over Ravenscroft in view of U.S. Patent No. 5,749,921 to Lenker et al. (hereinafter "Lenker"); and claims 31, 36-39, and 41-43 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,534,007 to St. Germain (hereinafter "St. Germain") in view of Lenker. In addition, claims 8, 12, 14, 22, 25-27, 34, and 35 were rejected under § 103(a) as being unpatentable over Ravenscroft as modified by Lenker, further in view of St. Germain; and claim 40 was rejected under 35 U.S.C. § 103(a) as being unpatentable over St. Germain in view of Ravenscroft.

Applicant proposes amending each of independent claims 1, 5, 17, 29, 31, 36 and 44 to recite that a marker band is at a position corresponding to a distalmost leading end of a stent. For example, claim 1 as amended recites that the tubular member includes first, second, and third marker bands, the “first marker band at a position corresponding to a distalmost leading end of the self-expanding stent to indicate a position of the distalmost leading end.” The second marker band is proximate a position corresponding to a trailing end of the stent, and the third marker band is between the first and second marker bands. The remaining independent claims include similar recitations. The claim amendments do not add new matter and are supported by the originally-filed specification, including, for example, at least page 5, lines 9-13; page 9, lines 12-16; and Figure 1.

The Examiner relies on Ravenscroft as allegedly disclosing the claimed marker bands. Specifically, the Examiner asserts that indicia rings 37 shown in Figures 1, 4, 5, and 7 of Ravenscroft constitute three marker bands. As clearly shown in those Figures, however, Ravenscroft teaches that all indicia rings 37 are proximal the distalmost end 59 of the stent 20. None of rings 37 is at a position corresponding to a distalmost leading end of a stent, as claimed. Each ring 37 is used only to indicate when an at least partially-deployed stent has reached a state where further deployment will not permit reconstraining the stent. (See, e.g., column 7, lines 46-59 of Ravenscroft.) None of rings 37 indicates when deployment may begin, as a marker band at a position corresponding to a distalmost leading end of a stent may.

The remaining references applied by the Examiner do not cure the deficiencies of Ravenscroft, and indeed the Examiner does not rely on any of those references as

disclosing the claimed marker bands. For these reasons, the claims patentably distinguish from the references.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-44 in condition for allowance. The proposed amendments of claims 1, 2, 5, 17, 29, 31, 33, 35, 36, 40, and 44 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, the final action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. The entering of the Amendment would allow the Applicant to reply to the final rejections and place the application in condition for allowance. The entry of the amendment also would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of these remarks, this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

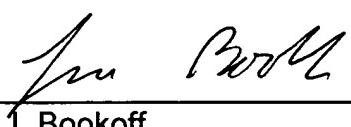
If the Examiner believes a telephone conversation might advance prosecution, the Examiner is invited to call Applicant's undersigned attorney at 202-408-4140.

If there are any fees due in connection with this submission, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 

Leslie I. Bookoff
Reg. No. 38,084